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3724

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OMAHA, NEBRASKA 68124  
TECHNOLOGY CENTER R3700

March 20, 2004

Commissioner for Patents  
Box: 1450  
Alexandria, VA 22313-1450

RE: APPLICATION OF KING TITLED: "CHAIN SAW CHAIN TENSIONING AND BRAKING SYSTEM";  
SERIAL NO.: 10/047,402;  
FILE DATE: 01/15/02;  
ART UNIT: 3724;  
EXAMINER: CLARK, D.

Dear Sir;

I am in receipt of an Office action dated 03/09/04 regarding the identified Application.

The Examiner has required a New Abstract, required that identifier "CG" in Figs. 5c and 5d and Figs. 5e and 5f be distinguished by addition of "" and "" respectively, and identified numerous Section 112 problems in the Claims.

It is specifically noted that all reference to Motor, Dumbbell and Half-a-dumbbell are removed from the Claims.

Further, based in a telephone conversation between the Examiner and Attorney Welch on March 13, 2004, new Longitudinal Slit Control structure is recited in Claims 1, 8, 11, 19 and 27 to distinguish over Patents cited by the Examiner which show slits in an elongated support. Dependent Claims 31 - 40 are added to provide more detailed description of longitudinal slit control means, and New Claims 41 - 45 are added to provide more description of the structure.

I also want to express my appreciation of the Examiner's help in this and other cases, but wish to make of record that I, along with other Patent Attorneys I have spoken to, am very unhappy with the present state of chaos at the PTO. I have had three Responses of which I am now aware arrive at the PTO but not be provided to the Examiner. I am adopting a procedure of calling to check if my Responses are being recorded. I am considering making double submittals of every Response to avoid getting stung, perhaps one by mail and one by Fax. Further, it's taking 5-6 months to get even a simple Filing Receipt, and at least two PTO Mailings meant for me have been sent elsewhere in recent months. The recipients thereof have been kind enough to forward them to me, (I hope there are not other instances of this I do not know about). Had the recipients not have forwarded the materials to me I would have not responded to them and then be accused of allowing abandonment? This state of affairs is absolutely not acceptable and the PTO must get its act together quick! As I have told a number of Examiners---I will work with them to the end that we achieve quality end results until I get stung because of PTO error, which is bordering on gross incompetence these days. If I get stung I am going to yell very loud. I have been at this for 20 years and have written and prosecuted about 140 Patents Issued in the U.S. with at least 50 in the works, and many more than that when including Foreign. In that light I can say without any reservation that I have never seen such a mess before as that which is presently underway at the PTO. Those responsible need to become responsible in the sense of seeing to it that things get on track. I admit am not perfect, and occasionally make an error, but when that happens I admit it and focus on getting it tended to. I have only contempt for those who mess-up things and then try to shift blame based on neither here nor there technicalities. I hope the PTO gets back on track very soon. Until then I will try to keep the focus on what counts and work with Examiners toward that end. But the

way things are now, I predict its going to "hit-the-fan". I know I am not the only practitioner in the field who is unhappy these days. (Please feel free to show this paragraph to anyone who might be interested---its meant constructively).

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.

JAMES D. WELCH

3/22/04  
DATE